

In re:
Serial #: 09/756,688
For: Removable Bearing Assemblies
Filed: January 9, 2001
Inventor: Richard L. Fisher
GAU: 3617
Examiner: Avila
Docket #: Fisher-001221

DECLARATION OF MARK L. FISHER

I, Mark L. Fisher, declare as follows:

1. I am a citizen of the United States and reside at 33704 Poverty Point Drive, Avon, MN 56310.
2. I have been a shareholder and officer of Fisher Beavertail Manufacturing, Inc. since May, 1999.
3. The attached newspaper article (Exhibit B) was published on August 22, 1999 in the St. Cloud Times newspaper. The content was photographed and prepared before that date. The center photograph of Exhibit B captioned "Mark Fisher attaches the motor to his boat for testing" is a photograph of a drive assembly for a marine mud motor, comprising: an elongate drive tube, configured for rotatably receiving a drive shaft therethrough, wherein a lower end of the drive tube includes a drive assembly housing, having a lower end; a bearing, in rotational communication between the drive assembly housing and the drive shaft; and a seal, contained within the drive assembly housing, configured to restrict contaminants from entering the drive assembly housing.
4. The mud motor including assembly housing and bearing photographed in Exhibit B was

assembled, tested and demonstrated, thereby constituting reduction to practice, on or before August 22, 1999 and was not concealed or abandoned, as prima facie evidenced by Exhibit B.

5. The words "marine mud motor" set forth in the presently amended claims and the marine propulsion system 100 illustrated in figure 1 of our present pending patent application for a mud boat as described on page 2 in lines 12-18 and on page 7 in lines 12+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
6. The words "elongate drive tube" set forth in the presently amended claims and the casing 140 illustrated in figure 1 of our present pending patent application as described beginning on page 7 in lines 15+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
7. The words "drive shaft" set forth in the presently amended claims and the propeller shaft 130 illustrated in figure 1 of our present pending patent application as described beginning on page 7 in lines 15+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
8. The words "drive assembly housing" set forth in the presently amended claims and the bearing housing 210 illustrated in figure 2 of our present pending patent application as described beginning on page 8 in lines 1+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
9. The words "drive shaft" set forth in the presently amended claims and the propeller shaft

- 130 illustrated in figure 1 of our present pending patent application as described beginning on page 7 in lines 15+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
10. The words "seal cap" set forth in the presently amended claims and the cover 220 illustrated in figure 2 of our present pending patent application as described beginning on page 9 in line 21 of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
11. The words "drive assembly" set forth in the presently amended claims and the sealed bearing unit 200 illustrated in figure 1 of our present pending patent application as described on page 7 in lines 19+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
12. The words "a bearing in rotational communication *between* the drive assembly housing and the drive shaft" set forth in the presently amended claims do not require that the bearing be in rotational communication solely with the drive assembly housing. The location and operation of bearings 260 - 264 as illustrated in the figures of our present pending patent application for a mud boat and as described beginning in line 22 of page 7 of our specification are recognized as being in rotational communication *between* the drive assembly housing and drive shaft to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
13. The words "a seal contained within the drive assembly housing, configured to restrict contaminants from entering the drive assembly housing" set forth in the presently amended

claims are recognized as being interchangeable with the description in the present specification of water being prevented from entering, and that in fact water is a contaminant and will be recognized and understood by those of ordinary skill in the art as not only being a contaminant, but also being the vehicle through which additional contaminants are transported. One skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issuing thereon.

Dated: November 14, 2002

Signed:



Mark L. Fisher